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JAMES H. MCKENNEY, Clerk.

No. 259.

In the Supreme Court of the United States.

OCTOBER TERM, 1906.

THE UNITED STATES, PETITIONER,

v.

G. FALK AND BROTHER.

MOTION TO ADVANCE.

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THE UNITED STATES, PETITIONER,
v.
G. FALK AND BROTHER. } No. 259.

MOTION TO ADVANCE.

Comes now the Solicitor-General on behalf of the United States in the above-entitled cause and moves the court to advance the same on the docket and set it down for hearing on a day convenient to the court during the present term. The case is a customs case, in which the court, on April 30 last, granted the petition of the United States for a writ of certiorari.

The question to be determined is whether tobacco withdrawn from warehouse is dutiable on the basis of its weight at the time of entry or at the time of withdrawal. There are now on the suspended files of the Board of General Appraisers at New York, held pending the decision of this cause, more than 15,000 protests, and they are accumulating at a rate of nearly 2,000 per month.

Under the decision of the Circuit Court of Appeals it is estimated that the Government

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would lose in duties possibly more than $1,000,000 annually on tobacco alone, while the principle involved will apply to other articles, especially wool, sugar, skins, hides, etc., containing much moisture, upon which the duty would materially decrease. For these reasons, and because of the conflicting views of the tribunals below, it is submitted that the case should be advanced for early hearing.

Opposing counsel concur in this motion.

HENRY M. HOYT,
Solicitor-General.

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